

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERIS KENYA GATLIN,
Plaintiff,
v.
BANK OF AMERICA, et al.,
Defendants.

No. 2:23-cv-00272-DAD-KJN (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION DUE TO PLAINTIFF'S
FAILURE TO PROSECUTE AND FAILURE
TO OBEY A COURT ORDER

(Doc. No. 10)

Plaintiff Jeris Kenya Gatlin is a county prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 24, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute and failure to obey a court order. (Doc. No. 10.) Specifically, because the magistrate judge found that plaintiff failed to state a cognizable claim in his prisoner civil rights complaint, on March 15, 2023, the magistrate judge issued an order dismissing this action with leave to amend and requiring plaintiff to file an amended complaint within thirty (30) days of that order. (Doc. No. 8.) Plaintiff was warned that his failure to comply with that order may result in the

1 dismissal of this action. (*Id.* at 6.) To date, plaintiff has not responded to the order requiring him
2 to file an amended complaint or otherwise communicated with the court.

3 Accordingly, on April 24, 2023, the magistrate judge issued the pending findings and
4 recommendations recommending dismissal of this action due to plaintiff's failure to prosecute
5 and failure to obey a court order. (Doc. No. 10.) Those pending findings and recommendations
6 were served on plaintiff and contained notice that any objection thereto were to be filed within
7 fourteen (14) days after service. (*Id.* at 1.) To date, no objections have been filed and the time in
8 which to do so has now passed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
11 and recommendations to be supported by the record and by proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on April 24, 2023 (Doc. No. 10) are
14 adopted;
- 15 2. This action is dismissed without prejudice due to plaintiff's failure to prosecute
16 this action and failure to comply with a court order; and
- 17 3. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: July 7, 2023

20 
UNITED STATES DISTRICT JUDGE